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Stealing food if you are poor and hungry is not a crime, Italy's highest court rules

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3 May 2016 • 2:06pm

Stealing food from a supermarket out of necessity should not be considered a crime, Italy's supreme court has ruled.

The unusual judgment was made in the case of a homeless man who was caught trying to steal two pieces of cheese and a pack of frankfurter sausages worth four euros (£3.15) from a supermarket in Genoa, in Italy's northwest, in 2011.

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Roman Ostriakov, 36, originally from Ukraine, was spotted by a shopper who told supermarket staff.

Arrested and sent to court, he was initially sentenced to six months in prison and a 100 euro fine – which he was unable to pay.

His lawyers appealed, but the sentence was upheld. At the second and final stage of appeal – a right for any defendant under Italian law – the conviction was overturned and the sentence annulled.

Announcing the decision on Monday, the supreme court in Rome ruled that stealing small amounts of food out of desperation “does not constitute a crime”.

"The condition of the accused and the circumstances in which he obtained the merchandise show that he had taken the little amount of food he needed to overcome his immediate and essential requirement for nourishment," the court ruled in a written judgment.

“People should not be punished if, forced by need, they steal small quantities of food in order to meet the basic requirement of feeding themselves.”

One Italian newspaper, La Stampa, hailed the ruling as a victory for compassion at a time when economic crisis and rising unemployment have pushed many people into poverty.

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"The court's decision reminds us all that in a civilised country no one should be allowed to die of hunger," the newspaper said in a front-page editorial.

But Corriere della Sera said it was absurd that the Italian justice system had taken five years to deliberate on an offence involving a theft of just four euros' worth of goods.

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